

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

~~United States Court~~
~~Southern District of Texas~~
FILED

JUN 29 2020

LADDY CURTIS VALENTINE and
RICHARD ELVIN KING, on behalf of
themselves and others similarly
situated,

Plaintiffs,

V.

BRYAN COLLIER, in his official
capacity, ROBERT HERRERA, in his
official capacity, and TEXAS
DEPARTMENT OF CRIMINAL JUSTICE.

Defendants.

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Civil Action No.
4:20-cv-01115

David J. Bradley, Clerk of Court

PROPOSED CLASS MEMBER REQUESTING
ORDER UNDER FED. R. CIV. P. 23(d)(1)(B)(iii)

To The HONORABLE JUDGE KEITH P. ELLISON:

COMES NOW, LEEROY CESAR CARBALLO (hereafter "Carballo"), TDCJ #1462910,
an inmate at the Wallace Pack Unit, and does file this request in good faith,
and will show the Court the following:

I. FEDERAL RULE CIVIL PROCEDURE 23(d)(1)(B)(iii)

Rule 23(d)

(d) Conducting the Action

(1) In general. In conducting an action under this rule, the court may
issue orders that:

(B) require--to protect class members and fairly conduct the action--
giving appropriate notice to some or all class members of:

(iii) the members' opportunity to signify whether they consider
the representation fair and adequate, to intervene and present claims or defenses,
or otherwise come into the action;

II. CLASS ACTION LAWSUIT

Plaintiffs' Emergency Motion for Class Certification seeks the Court's
approval allowing Plaintiffs to represent two classes, involving inmates at
the Wallace Pack Unit. [ECF 94]. Plaintiffs allege that "there are...no
conflicts between Plaintiffs and the proposed Class." (Plaintiffs reply,
ECF 137, pg.10.) In order to protect class members and fairly conduct the
action, the Court may exercise discretion in affording the members' opportunity
to signify whether they consider the representation fair and adequate, the

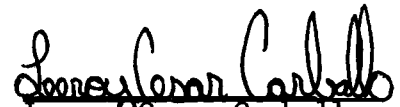
opportunity to intervene and present claims or defenses, or otherwise come into the action.

III.RELIEF REQUESTED

In the interest of justice, the due process rights of all members who will be bound by any judgment rendered by the Court, were the Court to grant Plaintiffs Motion for Class Certification, Carballo request that the Court require Plaintiffs' counsel or that the Court give all proposed class members notice pursuant to Fed. R.Civ.Proc. 23(d)(1)(B)(iii), or whatever the Court deems necessary to protect class members and fairly conduct the action.

IV. DECLARATION & CERTIFICATE OF SERVICE

I, Leeroy Cesar Carballo, TDCJ #1462910, D.O.B. 11-30-1978, am incarcerated at the Pack Unit, 2400 Wallace Pack Rd., Navasota, Tx. 77868 in Grimes County, Texas, do swear under the penalty of perjury that the facts stated in this motion/request are both true and correct to the best of my knowledge and filed in good faith. I mailed a copy of this request through the U.S.Mail, postage prepaid, addressed to: Christin Cobe Vasquez, Assistant Attorney General, Law Enforcement Defense Division, P.O. Box 12548, Capitol Station, Austin, Tx. 78711-2548 on this 25th day of June, 2020.


Leeroy Cesar Carballo

Leeroy Cesar Carballo
#1462910
Pack Unit
2400 Wallace Pack Rd.
Navasota, Texas 77868

June 25, 2020

United States District Court
Southern District of Texas
FILED

JUN 29 2020


David J. Bradley, Clerk of Court

Clerk,
United States District Court
Southern District of Texas
P.O. Box 61010
Houston, Tx. 77208

Re: Filing "PROPOSED CLASS MEMBER REQUESTING ORDER UNDER FED. R. CIV. P.23(d)(1)(B)(iii) "
VALENTINE, et. al. VS. COLLIER, et. al. Civil Action No. 4:20-cv-01115

Dear Clerk,

Please file this request and bring it to the Court's attention as time allows
you to. Your help in this matter will be greatly appreciated.


Leeroy Cesar Carballo

Leeroy Cesar Canballo #1462910
Pack Unit
2400 Wallace Pack Rd.
Navasota, Tx. 77868

Clerk,
United States District Court
Southern District of Texas
P.O. Box 61010
Houston, Tx. 77208

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Southern District of Texas
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